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**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA**

SOILWORKS, LLC, an Arizona corporation,

Plaintiff / Counterdefendant /
Counterclaimant,

V.

MIDWEST INDUSTRIAL SUPPLY, INC.,
an Ohio corporation authorized to do
business in Arizona,

Defendant / Counterclaimant / Counterdefendant.

NO.: 2:06-CV-2141-DGC

**SOILWORKS LLC'S SUPPLEMENT
TO THE PARTIES' PROPOSED
FINAL PRETRIAL ORDER (Docket
#116)**

(Assigned to the Honorable David G. Campbell)

Plaintiff Soilworks, LLC (“Soilworks”) supplements to the Parties’ Proposed Final Pretrial Order (Dkt#116) and submits its objections to Defendant Midwest Industrial Supply, Inc.’s (“Midwest”) deposition designations therein at pp. 29 through 31 as follow:

Defendant's Deposition Designations:

Midwest may offer the following portions of the following depositions at trial:

Deposition of Steven Hickman (April 23, 2008):

	Soilworks' Objections
4:1-9:24	
11:4-12:8	
21:8-22:1	
22:11-25:23	

1		Soilworks' Objections
2	26:8-33:3	
3	34:2-37:17	35:17-37:17 – Foundation; relevance
4	37:18-39:22	37:18-21 – Foundation; relevance
5	39:23-45:20	40:6-12 – Foundation; 403 40:18-25 – Foundation; relevance 41:1-25- 44:1-25 – Foundation; relevance 45:1-20 – Foundation; relevance; hearsay
6	45:21-46:4	Foundation; relevance; hearsay
7	46:5-48:15	Foundation; relevance; hearsay
8	48:15-50:2	Foundation; relevance; hearsay
9	54:17:-56:4	
10	56:5-56:12	
11	56:13-57:3	
12	64:17-66:1	
13	67:2-70:11	
14	70:15-71:5	
15	72:9-73:9	
16	74:13-76:2	75:16-76:2 – Relevance
17	76:16-78:25	Relevance
18	79:1-80:24	Relevance; 403
19	80:25-81:5	Relevance
20	87:7-90:18	
21	90:20-94:18	Relevance
22	95:9-96:5	Relevance
23	99:7-101:16	101:7-16 – Foundation
24	101:22-110:23	
25	116:13-118:5	
26	118:6-127:21	
27	135:12-140:1	
28	140:10-142:15	
	142:19-146:4	
	146:5-156:10	148:12-25 – Foundation; relevance 149:1-7 – Foundation; relevance 151:8-23 – Relevance

	Soilworks' Objections
156:11-160:9	159:22-25 – Foundation 160:1 – Foundation
160:13-174:23	162:4-23 – Relevance 163:20-25 – Foundation 164:13-25; 165:1-167:25 – Relevance
175:13-178:17	Relevance
178:19-179:20	
179:21-183:2	

Deposition of Steven Gordner (April 23, 2008):

Soilworks' Objections	
4:1-11:18	
12:24-17:25	17:17-25 – Foundation; legal conclusion
18:1-19:13	
21:1-23:19	21:14-24 – Foundation
24:5-26:24	25:1-26:24 – Relevance; foundation; competence
28:8-23	
29:16-33:1	29:16-25 – Relevance; foundation; competence 30:1-25 – Relevance; foundation; competence 31:1-25 – Relevance; foundation; competence 32:21-25 – Foundation 33:1 – Foundation
33:2-35:8	33:2-25 – Foundation; relevance 34:1-3 – Foundation; relevance
35:9-39:4	
41:1-42:4	Foundation; relevance
43:24-48:18	43:24-46:18 – Foundation; relevance 47:1-48:18 – Foundation; relevance
49:5-52:11	51:1-52:11 – Foundation; relevance
54:6-55:1	
57:3-12	
62:3-64:2	

1 **Deposition of Kevin Hurst (April 11, 2008):**

	Soilworks' Objections
3	4:1-6:18
4	8:20-9:19
5	12:13-13:11 13:5-11 – Leading; foundation
6	13:12-14:14
7	15:1-17
8	15:21-17:14
9	17:15-20:1
10	20:2-21:15
11	21:16-22:11
12	22:12-23:8 Relevance
13	23:22-25

12 Dated this 11th day of March, 2009.

13 KUTAK ROCK LLP

16 By _____ /s E. Scott Dosek

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CERTIFICATE OF SERVICE

I hereby certify that on March 11th, 2009, the foregoing **SOILWORKS LLC'S SUPPLEMENT TO THE PARTIES PROPOSED FINAL PRETRIAL ORDER (Docket #116)** was filed electronically. Notice of this filing will be sent to all parties by operations of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s Amy S. Fletcher

Amy S. Fletcher